

WEDNESDAY, MARCH 3, 1993

FIFTEENTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. John Barnes, First Assembly of God, Ripley, Tennessee.

Representative Crain led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Johnson; illness.

REPORT OF COMMITTEE ON CALENDAR AND RULES
March 2, 1993

The Calendar and Rules Committee has met and set the following bill(s) on the Regular Calendar for Thursday, March 4, 1993: House Bill(s) No(s). 644, 683, 684, 685, 665, 666, 655, 659, 51, 34, 515 and 27; House Joint Resolution(s) No(s). 1; also, House Bill(s) No(s). 8, 822 and 435.

WEDNESDAY, MARCH 3, 1993 -- FIFTEENTH LEGISLATIVE DAY

The Committee set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, March 8, 1993: House Bill(s) No(s). 743.

REPORTS FROM STANDING COMMITTEES

The committees that met on Tuesday, March 2, 1993, reported the following:

COMMERCE

The Commerce Committee recommended for passage: House Bill(s) No(s). 701 and 783; also, House Bill(s) No(s). 104, 484, 510, 698 and 771 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 209. Under the rules, each was transmitted to the Calendar and Rules Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 345, 103, 253, 254, 255 and 651. Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 872, 336, 335 and 328. Under the rules, each was transmitted to the Calendar and Rules Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 493, 55, 623, 724, 425, 439, 443, 26, 173, 429, 791 and 921; also, House Bill(s) No(s). 727, 573, 574, 22, 217 and 161 with amendment(s): for concurrence: Senate Joint Resolution(s) No(s). 45. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 57 and 58. Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 1337, 100, 945, 1351, 767, 1179, 868 and 869; also, House Bill(s) No(s). 269, 733, 765 and 806 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 673 and 961. Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

MESSAGE FROM THE SENATE

March 2, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 56; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 0056 -- Memorials, Death -- Elbert W. Krick. by *Springer.

MESSAGE FROM THE SENATE

March 2, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s): 416, 473, 503, 519, 549, 552, 561, 684, 724, 755, 895, 953, 956 and 959; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

*Senate Bill No. 0416 -- Motor Vehicles, Titling and Registration -- Requires used car dealer plates to be red with white letters and numbers and new car dealer plates to be white with black letters and numbers. Amends TCA, Title 55. by *Crowe, McKnight.

Senate Bill No. 0473 -- Courts, General Sessions -- Permits legislative body of metropolitan counties to create by ordinance two additional divisions of general sessions court to be effective September 1, 1998. Amends TCA 7-3-311. by *Haynes, *Henry.

*Senate Bill No. 0503 -- Credit Unions -- Authorizes credit unions to invest in Volunteer Corporate Credit Union. Amends TCA 45-4-501. by *Albright, McKnight.

*Senate Bill No. 0519 -- Credit Unions -- Expands powers of commissioner of financial institutions to take and retain possession of business and property of credit unions; revises requirements for conversion of state credit union into federal credit union. Amends TCA 45-4-206, 45-4-190. by *Albright.

*Senate Bill No. 0549 -- Divorce and Annulment -- Extends privilege to communications between mediator and clients. Amends TCA, Title 36, Ch. 4. by *Holcomb.

*Senate Bill No. 0552 -- Bail, Bail Bonds -- Allows clerk to deduct 5 percent clerk's commission on original forfeiture from amount of forfeited recognizance ordered by court to be remitted to maker. Amends TCA 40-11-204. by *Kyle.

Senate Bill No. 0561 -- Railroads -- Requires law enforcement officers making reports of accidents involving railroad locomotives to use operator's operating permit number in report instead of operator's motor vehicle number. Amends TCA 55-10-108. by *Crowe.

*Senate Bill No. 0684 -- Loan Companies -- Authorizes loans secured by real property to be closed at attorneys' office or title insurance company or agency licensed in Tennessee, so long as located in Tennessee and within 100 miles of registered office of registrant making loan. Amends TCA 45-5-103. by *Cooper.

*Senate Bill No. 0724 -- Interior Designers -- Revises certification procedures under Interior Designers Title Registration Act. Amends TCA 62-2-904. by *Crutchfield.

*Senate Bill No. 0755 -- Probate Law -- Authorizes probate court to examine totality of circumstances in fixing year's support; authorizes employer to pay up to \$5,000 in wages or salary to children of deceased employee regardless of gender; abolishes time restrictions on issuance of letters testamentary. Repeals TCA 18-6-106, 30-2-102, 103. by *Cohen.

*Senate Bill No. 0895 -- Loan Companies -- Authorizes industrial loan and thrift companies to accept as additional collateral insurance for involuntary unemployment. Amends TCA 45-5-301, 305. by *Patten.

*Senate Bill No. 0953 -- Highway Signs -- "Tennessee Golf Hall of Fame, I-65, Williamson County. by *Person, *Jordan, McKnight.

*Senate Bill No. 0956 -- Courts, General Sessions -- Designates Division IV of General Sessions Court of Davidson County as Environmental Court. by *Harper.

*Senate Bill No. 0959 -- Driver Licenses -- Allows persons driving on restricted licenses to attend scheduled interlock monitoring appointments. Amends TCA, Title 55, Ch. 10, Pt. 4. by *Cohen.

ENROLLED BILLS

March 2, 1993

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 405, 551, 554, 674, 817, 915, 916, 936, and 950; House Joint Resolution(s) No(s). 68 and 69; also, House Resolution(s) No(s). 10 and 11.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

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MESSAGE FROM THE SENATE
March 2, 1993

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 24, 59 and 60; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 2, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 388; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 2, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 69 and 74; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 2, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 24, 57 and 98; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK
March 2, 1993

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 388; also, House Joint Resolution(s) No(s). 24, 59 and 60.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
March 2, 1993

The Speaker announced that he had signed the following: House Bill(s) No(s). 405, 551, 554, 674, 817, 915, 916, 936 and 950; House Joint Resolution(s) No(s). 68 and 69; also, House Resolution(s) No(s). 10 and 11.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

REPORT OF COMMITTEE ON CALENDAR AND RULES
March 3, 1993

The Calendar and Rules Committee has met and set the following bill(s) on the Regular Calendar for Monday, March 8, 1993: House Bill(s) No(s). 618.

REPORTS FROM STANDING COMMITTEES

The committees that met on Wednesday, March 3, 1993, reported the following:

CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for passage: House Bill(s) No(s). 9, 441 and 842; also, House Bill(s) No(s). 52 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 430 with amendment(s). Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 24 and 369; also, House Bill(s) No(s). 656, 657, 658 and 162 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 112; also, House Bill(s) No(s). 113 and 406 with amendment(s). Pursuant to Rule No. 72, each was referred to the Finance, Ways and Means Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 279, 629, 39 and 442. Under the rules, each was transmitted to the Calendar and Rules Committee.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to Rule No. 17, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

*House Joint Resolution No. 0084 -- General Assembly, Studies -- Creates joint committee on court costs. by *Bragg.

Judiciary Committee.

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Thursday, March 4, 1993:

House Joint Resolution No. 0091 -- Memorials, Death -- Willard E. Rooks, of Martin.

House Joint Resolution No. 0094 -- Memorials, Public Service -- Margaret Burr.

House Joint Resolution No. 0095 -- Memorials, Public Service -- Anna Alexander.

House Joint Resolution No. 0096 -- Memorials, Sports -- Greg Ryan, Greenback High School quarterback.

House Joint Resolution No. 0097 -- Memorials, Death -- Judge Ross Dyer of Halls.

House Joint Resolution No. 0099 -- Memorials, Recognition and Thanks -- Jeanette Cantrell Rudy.

House Joint Resolution No. 0101 -- Memorials, Death -- Deputy Chief Ken Parker, Chattanooga.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to Rule No. 17, the resolution(s) listed was/were placed on the Consent for Thursday, March 4, 1993:

Senate Joint Resolution No. 0056 -- Memorials, Death -- Elbert W. Krick.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1599 -- Martin -- Revises charter. Amends Chapter 158, Private Acts of 1992. by *Herron, *Pinion.

House Bill No. 1600 -- Bells -- Enacts new charter. Repeals Chapter 705, Private Acts of 1917, as amended. by *Cole Ronnie.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 0416** -- Motor Vehicles, Titling and Registration -- Requires used car dealer plates to be red with white letters and numbers and new car dealer plates to be white with black letters and numbers. Amends TCA, Title 55. (HB 1157).

Senate Bill No. 0473 -- Courts, General Sessions -- Permits legislative body of metropolitan counties to create by ordinance two additional divisions of general sessions court to be effective September 1, 1998. Amends TCA 7-3-311. (*HB 0252).

***Senate Bill No. 0503** -- Credit Unions -- Authorizes credit unions to invest in Volunteer Corporate Credit Union. Amends TCA 45-4-501. (HB 0783).

***Senate Bill No. 0519** -- Credit Unions -- Expands powers of commissioner of financial institutions to take and retain possession of business and property of credit unions; revises requirements for conversion of state credit union into federal credit union. Amends TCA 45-4-206, 45-4-1902. (HB 0563).

***Senate Bill No. 0549** -- Divorce and Annulment -- Extends privilege to communications between mediator and clients. Amends TCA, Title 36, Ch. 4. (HB 1252).

***Senate Bill No. 0552** -- Bail, Bail Bonds -- Allows clerk to deduct 5 percent clerk's commission on original forfeiture from amount of forfeited recognizance ordered by court to be remitted to maker. Amends TCA 40-11-204. (HB 0629).

Senate Bill No. 0561 -- Railroads -- Requires law enforcement officers making reports of accidents involving railroad locomotives to use operator's operating permit number in report instead of operator's motor vehicle number. Amends TCA 55-10-108. (*HB 0146).

***Senate Bill No. 0684** -- Loan Companies -- Authorizes loans secured by real property to be closed at attorneys' office or title insurance company or agency licensed in Tennessee, so long as located in Tennessee and within 100 miles of registered office of registrant making loan. Amends TCA 45-5-103. (HB 0877).

***Senate Bill No. 0724** -- Interior Designers -- Revises certification procedures under Interior Designers Title Registration Act. Amends TCA 62-2-904. (HB 0960).

***Senate Bill No. 0755** -- Probate Law -- Authorizes probate court to examine totality of circumstances in fixing year's support; authorizes employer to pay up to \$5,000 in wages or salary to children of deceased employee regardless of gender; abolishes time restrictions on issuance of letters testamentary. Repeals TCA 18-6-106, 30-2-102, 103. (HB 1253).

***Senate Bill No. 0895** -- Loan Companies -- Authorizes industrial loan and thrift companies to accept as additional collateral insurance for involuntary unemployment. Amends TCA 45-5-301, 305. (HB 0878).

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***Senate Bill No. 0953 -- Highway Signs -- "Tennessee Golf Hall of Fame, I-65, Williamson County. (HB 0519).**

***Senate Bill No. 0956 -- Courts, General Sessions -- Designates Division IV of General Sessions Court of Davidson County as Environmental Court. (HB 0528).**

***Senate Bill No. 0959 -- Driver Licenses -- Allows persons driving on restricted licenses to attend scheduled interlock monitoring appointments. Amends TCA, Title 55, Ch. 10, Pt. 4. (HB 0615).**

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1598 -- Oliver Springs -- Held on Clerk's desk pending approval by local delegation.

CONSENT CALENDAR

House Joint Resolution No. 0083 -- Memorials, Death -- Warren H. Goodwin.

House Joint Resolution No. 0085 -- Memorials, Professional Achievement -- Susan Ramsay, Teacher of the Year.

House Joint Resolution No. 0086 -- Memorials, Professional Achievement -- Lynn Brown, Principal of the Year.

House Joint Resolution No. 0087 -- Memorials, Death -- S. P. "Pete" Anderson.

House Joint Resolution No. 0089 -- Memorials, Sports -- Science Hill High School football team.

House Joint Resolution No. 0090 -- Memorials, Retirement -- Siro DeGasperis, United Parcel Service.

House Bill No. 1545 -- Hardeman County -- Requires warrants to be signed by county executive and designated employee. Amends Chapter 482, Private Acts of 1919, as amended.

Senate Joint Resolution No. 0076 -- Memorials, Public Service -- Garland King, Shelbyville fire chief.

Senate Joint Resolution No. 0077 -- Memorials, Public Service -- Senator Riley C. Darnell, Clarksville.

Senate Joint Resolution No. 0078 -- Memorials, Death -- James Irwin Bell, Hardin County.

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Senate Joint Resolution No. 0079 -- Memorials, Congratulations
-- Wilson County Fair Board of Directors.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	93
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Shirley -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from not voting to aye on the Consent Calendar and have this statement entered in the Journal: Rep(s). Mike Kernell.

REGULAR CALENDAR

*House Bill No. 0638 -- Taxes, Sales -- Declares that 1/2 percent increase in sales tax rate shall remain in effect until June 30, 1996. Amends TCA 67-6-103, 67-6-202--205, 221.

Rep. Purcell moved that House Bill No. 638 be passed on third and final consideration.

Rep. R. Jones moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 638 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____.

(a) It is the intent of the general assembly by enactment of this section to provide a responsible method to systematically review all state exemptions from the sales and use tax in order to insure that such exemptions are beneficial rather than detrimental to the best interests of the citizens of Tennessee.

(b) Effective June 30, 1998, Tennessee Code Annotated, Title 67, Chapter 6, is amended by deleting Part 3 in its entirety; provided, however, that any section therein may be continued and remain in full force and effect in accordance with the provisions of this section.

(c)

(1) The chairmen of the fiscal review committee shall appoint subcommittees to conduct a review of exemptions from the sales and use tax as provided in this section.

(2) The appropriate subcommittees shall meet as the evaluation committee to review the exemptions from the sales and use tax.

(3) Members of the evaluation committee shall serve until their successors are appointed in accordance with this section so long as such members remain members of the general assembly. Any member of the evaluation committee who ceases to be a member of the general assembly shall cease to be a member of the evaluation committee on the same date his membership in the general assembly ceases, as provided in the Constitution of the state of Tennessee. In the event a majority of the membership of any subcommittee comprising an evaluation committee shall cease to be members of the general assembly, the chairman of the fiscal review committee shall designate members of the committee to interim appointments until such time as the evaluation committee is reconstituted as provided in this section. In the event there is no chairman of the fiscal review committee, the speaker of the house of representatives and the speaker of the senate, acting jointly, shall designate members of such committee to such interim appointments.

(4) The evaluation committee shall hold at least one (1) public hearing and receive testimony from the public concerning each exemption from the sales and use tax and whether such exemption is beneficial or detrimental to the best interests of the public at-large.

(5)

(A) Notice of the time and place of the public hearing shall be published in at least one (1) newspaper of general circulation in each of the state's major metropolitan areas, (Nashville, Memphis, Knoxville, Chattanooga, and the tri-cities area composed of Bristol, Johnson City, and Kingsport), at least ten (10) days prior to the hearing.

(B) In addition, a notice of intent to hold the public hearing shall be published at least once every ninety (90) days listing all exemptions from the sales and use tax which might be scheduled for such hearings during the subsequent ninety (90) days.

(6) If the evaluation committee by a majority vote determines that an exemption from the sales and use tax should be continued, restructured, or reestablished, the evaluation committee shall cause to be introduced legislation to amend the appropriate sections of the code or the public acts.

(7) If by a tie vote of the evaluation committee no determination of status of an exemption can be decided, the evaluation committee shall refer the final decision to the appropriate committees of the respective houses which shall meet jointly to hear the recommendations of each member of the evaluation committee. The vote of the majority of the members, present and voting, of such appropriate committees meeting jointly shall decide the final recommendation on continuation of the exemption, and the evaluation committee shall cause the introduction of legislation required by this vote.

(8) Any legislation which the evaluation committee causes to be introduced shall concern only one (1) exemption from the sales and use tax and the exemption shall be contained in the caption of the bill.

(d) All governmental entities shall provide the evaluation committee with any information or assistance it requires.

(e) Nothing in this section shall be construed to prohibit the general assembly from terminating an exemption from the sales and use tax covered by its provisions at a date earlier than that provided herein, nor to prohibit the general assembly from considering any other legislation relative to such exemption.

(f) Nothing in this section shall be construed to prohibit an evaluation committee or any other committee from studying or making recommendations on or concerning any exemption from the sales and use tax.

(g) Each exemption from the sales and use tax, which is continued pursuant to the provisions of this section, shall be null and void five (5) years after such continuation, unless such exemption is re-evaluated and continued in accordance with the provisions of this section, and thereafter shall be subject to such re-evaluation every five (5) years if such exemption continues in law.

(h) Notwithstanding any provision of law to the contrary, any exemption from the sales and use tax created subsequent to the effective date of this section shall be null and void five (5) years after its effective date, unless such exemption is evaluated and continued pursuant to the provisions of this act.

SECTION ____ If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Rep. Davis moved that Amendment No. 1 be tabled, which motion he then withdrew.

Rep. R. Jones moved to withdraw Amendment No. 1, which motion prevailed.

Rep. Moore moved the previous question on House Bill No. 638, which motion prevailed.

Rep. Purcell moved that House Bill No. 638 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	67
Noes.	30

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Chumney, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Hargrove, Haun, Head, Herron, Hillis, Huskey, Jackson, Knight, Lewis, Love, McAfee, McKee, Mires, Moore, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 67.

Representatives voting no were: Allen, Brooks, Buck, Byrd, Callicott, Chiles, Clark, Garrett, Halteman Harwell, Hassell, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Liles, McDaniel, Meyer, Miller, Napier, Odom, Pruitt, Ramsey, Severance, Shirley, Stamps, Stockburger, Turner (Shelby), West -- 30.

A motion to reconsider was tabled.

***House Bill No. 1093 -- Lewis County -- Levies tax on pulpwood; proceeds to go to Lewis County Tomorrow Project Fund.**

Further consideration of House Bill No. 1093, previously considered on March 1, 1993, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for March 3, 1993.

Rep. Moore moved that House Bill No. 1093 be reset four weeks to the Calendar for March 31, 1993, which motion prevailed.

House Bill No. 1147 -- Marshall County -- Enacts hotel-motel tax.

Further consideration of House Bill No. 1147, previously considered on March 1, 1993, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for March 3, 1993.

Rep. Fowlkes moved that House Bill No. 1147 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	66
Noes.	9
Present and not voting.	22

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Boyer, Bragg, Brooks, Brown, Buck, Callicott, Chiles, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Fisher, Fowlkes, Garrett, Givens, Haley, Halteman Harwell, Hargrove, Haun, Head, Herron, Hillis, Huskey, Jackson, Kernell, Kisber, Knight, Lewis, Liles, Love,

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McAfee, McKee, Mires, Moore, Napier, Odom, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson, Stulce, Thompson, Tindell, Turner (Hamilton), Williams (Shelby), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 66.

Representatives voting no were: Byrd, Hassell, Joyce, Kent, Meyer, Ramsey, Shirley, Stockburger, West -- 9.

Representatives present and not voting were: Allen, Bittle, Ferguson, Gunnels, Jones R (Shelby), Jones U (Shelby), McDaniel, Miller, Owenby, Rigsby, Rinks, Ritchie, Severance, Stamps, Turner (Shelby), Venable, Walley, Westmoreland, Whitson, Williams (Union), Williams (Williamson), Windle -- 22.

A motion to reconsider was tabled.

House Bill No. 1209 -- Humphreys County -- Raises from \$1,000 to \$2,500 the amount over which approval and/or competitive bidding is required for highway purchases. Amends Chapter 634, Private Acts of 1935, as amended.

Further consideration of House Bill No. 1209, previously considered on March 1, 1993, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for March 3, 1993.

Rep. Collier moved that House Bill No. 1209 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	90
Noes.	2
Present and not voting.	4

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Williams (Shelby), Williams (Williamson), Windle, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: McDaniel, Westmoreland -- 2.

Representatives present and not voting were: Jones U (Shelby), Miller, Whitson, Williams (Union) -- 4.

A motion to reconsider was tabled.

WEDNESDAY, MARCH 3, 1993 -- FIFTEENTH LEGISLATIVE DAY

House Bill No. 0114 -- Hardin County -- Repeals coon dog training period. Repeals Chapter 136, Private Acts of 1963.

Further consideration of House Bill No. 114, previously considered on March 1, 1993, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for March 3, 1993.

Rep. Rinks moved that House Bill No. 114 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	2
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Jackson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Armstrong, Severance -- 2.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

House Bill No. 0203 -- County Officers -- Increases fee from \$50.00 to \$65.00 that Wilson County sheriff or constable can collect for attending grand jury or waiting in court. Amends TCA, Title 8, Ch. 21.

Further consideration of House Bill No. 203, previously considered on March 1, 1993, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for March 3, 1993.

On motion, House Bill No. 203 was made to conform with Senate Bill No. 154; the Senate Bill was substituted for the House Bill.

Rep. Bell moved that Senate Bill No. 154 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	84
Noes.	10
Present and not voting.	2

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Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 84.

Representatives voting no were: Ferguson, Jones U (Shelby), McDaniel, Meyer, Ritchie, Shirley, Stockburger, Venable, Walley, Wood -- 10.

Representatives present and not voting were: Halteman Harwell, Stamps -- 2.

A motion to reconsider was tabled.

*House Bill No. 0005 -- Annexation -- Requires annexing municipality to operate its government on same time zone as area annexed if such territory is located in different time zone. Amends TCA 4-1-401; Title 6, Ch. 51, Pt. 1.

Further consideration of House Bill No. 5, previously considered on March 1, 1993, at which time it was reset to the Calendar for March 3, 1993.

Rep. Rhinehart moved that House Bill No. 5 be passed on third and final consideration.

Rep. Gunnels moved that Amendment No. 1, previously filed, be withdrawn, which motion prevailed.

Rep. Rhinehart moved that House Bill No. 5 be reset to the Calendar for Thursday, March 4, 1993, which motion prevailed.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Westmoreland moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 92 out of order, which motion prevailed.

House Joint Resolution No. 0092 -- Memorials, Personal Achievement -- Nathan Zumwalt, Eagle Scout. by *Westmoreland, *Venable, *Ramsey.

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On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Westmoreland, the resolution was adopted.

A motion to reconsider was tabled.

SPONSORS ADDED

Under Rule No. 43, the following member(s) was/were permitted to add their name(s) as sponsor(s) as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 34: Rep(s). McDaniel as prime sponsor(s).

House Bill No. 160: Rep(s). Kent as prime sponsor(s).

House Bill No. 309: Rep(s). Walley as prime sponsor(s).

House Bill No. 346: Rep(s). McDaniel as prime sponsor(s).

House Bill No. 526: Rep(s). Chumney as prime sponsor(s).

House Bill No. 592: Rep(s). Duer and Walley as prime sponsor(s).

House Bill No. 595: Rep(s). Chiles, McDaniel and Ramsey as prime sponsor(s).

House Bill No. 882: Rep(s). Arriola as prime sponsor(s).

House Bill No. 965: Rep(s). Ritchie as prime sponsor(s).

House Bill No. 1381: Rep(s). Chumney, Davis, Kernell, Odom and Stamps as prime sponsor(s).

House Bill No. 1410: Rep(s). Kent as prime sponsor(s).

House Bill No. 1591: Rep(s). West as prime sponsor(s).

House Joint Resolution No. 38: Rep(s). Westmoreland as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep. Davidson was removed as sponsor of House Bill No. 1029.

CONSENT CALENDAR March 3, 1993

The following local bills have been placed on the Consent Calendar for Monday, March 8, 1993: House Bill(s) No(s). 1598.

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ENGROSSED BILLS
March 3, 1993

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1545; also, House Joint Resolution(s) No(s). 83, 85, 86, 87, 89 and 90.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS
March 3, 1993

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 114, 638, 1147 and 1209; also, House Joint Resolution(s) No(s). 92.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
March 3, 1993

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 87; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 3, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 109; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 3, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 405, 551, 554, 674, 817, 915, 916, 936 and 950; also, House Joint Resolution(s) No(s). 68 and 69; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 3, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 154; also, Senate Joint Resolution(s) No(s). 76, 77,

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78, and 79; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 3, 1993

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 92; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 3, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 87; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 0087 -- Memorials, Heroism -- Todd McKeenan, by *Crowe, *Greer, *Albright, *Atchley, *Burks, *Cohen, *Cooper, *Crutchfield, *Davis, *Elsea, *Ford, *Gilbert, *Hamilton, *Harper, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McKnight, *McNally, *O'Brien, *Patten, *Person, *Rice, *Rochelle, *Springer, *Wallace, *Womack, *Wright, *Wilder.

MESSAGE FROM THE SENATE

March 3, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 134, 139, 229, 664, 815 and 1009; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

*Senate Bill No. 0134 -- Garnishments and Executions -- Removes provision which terminates lien on subsequent earnings until expiration of employer's payroll period immediately prior to three months after service of execution. Amends TCA, Title 26, Ch. 2, Pt. 2. by *Cooper.

*Senate Bill No. 0139 -- Trusts -- Makes only trust assets payable to defendant subject to execution. Amends TCA 26-4-101. by *Henry, *Jordan.

*Senate Bill No. 0229 -- Fiduciaries -- Adds definition of "bad faith" to Uniform Fiduciaries Act. Amends TCA, Title 35, Ch. 2. by *Albright.

*Senate Bill No. 0664 -- Boards and Commissions -- Requires

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governor to appoint one citizen member to each health related board which does not have citizen member; term shall be same as other members of board to which such person appointed. Amends TCA, Title 63. by *Hamilton, McKnight.

*Senate Bill No. 0815 -- Chiropractors -- Adds position of vice president to board of chiropractic examiners. Amends TCA, Title 63, Ch. 4. by *Rochelle.

*Senate Bill No. 1009 -- Psychologists -- Increases the membership of the board of examiners in psychology from five to seven. Amends TCA 63-11-101. by *Haynes.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windfe, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, March 4, 1993.